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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fifth periodic report of Mauritius*

I. General information

1. Please provide information on the steps envisaged to incorporate the rights enshrined in the Covenant in the Constitution and domestic law, in light of the adoption of the National Human Rights Action Plan (2012–2020). Please also provide information on the cases in which the Covenant rights have been invoked before or applied by domestic courts, if any, including the number of such cases and examples thereof.

2. Please provide information on the concrete steps taken to: (a) expand the mandate of the National Human Rights Commission to include the rights enshrined in the Covenant; (b) ensure the administrative independence of the Commission, particularly in relation to the recruitment of its staff and to its Complaints Investigation Bureau, which deals with complaints brought against police officers but is effectively under the administrative control of the Commissioner of Police; and (c) strengthen the power of the Commission to intervene before a court or tribunal in any proceedings involving a violation of human rights. Please also provide information on the annual budget allocated to the Commission and the number of staff during the reporting period.

3. Please provide information on the impact of the measures in place to adapt to climate change, respond to the adverse effects of climate change on the enjoyment of the rights enshrined in the Covenant and reduce the vulnerability, particularly of children, persons with disabilities, older persons and other marginalized and disadvantaged persons.

II. Issues relating to general provisions of the Covenant (arts. 1–5)

Maximum available resources (art. 2 (1))

4. Please provide information on the evolution since the last report of:

(a) The proportion of people below the poverty line and the levels of inequality, defined as the ratio between total income accruing to the richest decile of the population and the total income of the 40 per cent poorest in the population;

(b) The ratio of the public revenue to gross domestic product (GDP) and the proportion of public revenue that is financed through taxes;

(c) A breakdown of the public budget allocated to social spending during the reporting cycle (education, food, health, social security, water and sanitation and housing).

* Adopted by the pre-sessional working group at its sixty-second session (3–6 April 2018).

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5. Please provide detailed information on the Corporate Social Responsibility Fund, including annual statistical data on the number and proportion of participating corporates, the amount raised and spent by the Fund and its proportion of the national budget/GDP.

6. Please provide information on the extent of corruption and the practice of bribery in the public and private sectors, including those involving high-level officials, and include annual statistical data on the number of cases brought before the Independent Commission Against Corruption and the penalties imposed on perpetrators. Please also provide information on the extent to which the steps taken have strengthened the framework legislation on combating corruption, particularly as regards the right to information; and the functioning of the Commission.

Non-discrimination (art. 2 (2))

7. Please provide information on the steps taken to review anti-discrimination provisions in the Constitution and the Equal Opportunities Act 2012, with a view to ensuring the prohibition of direct, indirect and multiple forms of discrimination on any ground, including language, religion, property, birth, disability, sexual orientation and gender identity and other status, in line with article 2 (2) of the Covenant. Please also provide information on the cases of discrimination brought to the Equal Opportunities Commission and the Equal Opportunities Tribunal, including the main grounds of discrimination identified through complaints, the number of cases reported to and dealt with by the Commission and the Tribunal, and the result of such cases.

8. Please provide information on the impact of legislative and policy measures taken by the State party to ensure the accessibility to buildings, transportation, information and services, including in the health and education sectors, by persons with disabilities and ensure that they are provided with reasonable accommodation. Please further provide information on the measures taken to regulate the services, including education and day-care services, provided for persons with disabilities by non-governmental organizations or private entities.

Equal rights of men and women (art. 3)

9. Please provide information on the impact of the measures taken to address patriarchal attitudes and gender role stereotypes in the light of the national gender policy framework. Please also provide information on the steps taken to improve women's representation in decision-making positions in the public and private sectors.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

10. Please provide information on the impact of the measures taken to address the very high incidence of unemployment among young people, particularly young women. Please also provide information on the implementation of the quota of 3 per cent of employment for persons with disabilities and the steps taken to extend the quota system to the public sector.

Right to just and favourable conditions of work (art. 7)

11. Please provide information on the challenges faced by the State party in establishing a national minimum wage and the measures taken to overcome them. Please also provide information on the steps taken to address the fact that existing minimum wages are applied differently, depending on sex, age and disability in some sectors, including the sugar, tea and salt-manufacturing industries.

12. Please indicate the impact of the measures taken to address gender inequality in employment, illustrated by the lower labour force participation rate, higher unemployment rate, the persistently high gender pay gap, and vertical and horizontal gender segregation faced by women. Please provide information on the extent to which section 20 of the Employment Rights Act 2008 has been implemented and on the cases of non-compliance

with section 20 that have been brought to the labour inspectorate or the Industrial Court, if any.

13. Please provide information on the efforts made by the State party to ensure that the workplace of domestic workers is covered by labour inspections and on the cases in which the Permanent Secretary has exercised his/her power under the Employment Rights Act 2008 to require an employer to provide information and to summon an employer in that regard.

14. Please provide information on the number of labour inspections carried out during the reporting period, including chronic and systemic problems identified through inspections and the extent to which the State party has taken measures to address them, including for cases of non-compliance and the sanctions imposed. Please further provide information on the impact of measures taken to strengthen the labour inspectorate, including through adequate human and financial resources.

15. Please provide information on the steps taken to provide migrant workers with a level of labour and social protection equal to that of national workers, including the progress made towards adopting a legal framework on migrant workers and merging the Workmen's Compensation Act 1931 and the National Pensions Act 1976. Please also indicate how effective the State party has been in regulating recruitment agents. Please further provide information on the extent to which the labour and social protection for migrant workers is incorporated into the bilateral agreements that the State party has completed or which are under discussion, with the countries of origin of migrant workers and with countries of destination of Mauritian migrant workers.

Trade union rights (art. 8)

16. Please provide information on the measures taken to protect leaders and members of trade unions, particularly migrant workers and those in export-processing zones and the textile sector, from harassment, intimidation, threats, discrimination and unfair dismissal.

Right to social security (art. 9)

17. Please provide information on the challenges faced by the State party in extending social aid to non-nationals and the steps taken to address them, as well as on the introduction of a guaranteed minimum income (see E/C.12/MUS/CO/4, para. 20). Please provide information on the social protection available to workers in the informal economy, migrant workers and self-employed workers. Please also provide information on the coverage and the average amount of contributory pensions. Please further provide information on the steps taken to ensure that the amount of the basic retirement pension is sufficient to provide the recipient with a decent standard of living, particularly for older persons with disabilities who depend entirely on that pension.

Protection of the family and children (art. 10)

18. Please provide information on the impact of measures taken to combat gender-based violence in the State party. Please also provide information on the impact of the measures taken to combat neglect, and abuse of and violence against children, including of a sexual nature.

19. Please provide information on the prevalence of violence against and abuse of older persons in the State party, including annual statistical data on the number of cases reported and prosecuted; the sanctions imposed on the perpetrators; and the cases in which a protection order was issued by a court. Please also provide information on the impact of the measures taken to prevent violence against and abuse of older persons, particularly those living in residential care facilities, and protect them from such violence and abuse. Please further provide information on the extent to which the Residential Care Homes Act 2003 and the Residential Care Homes Regulations 2005 have been implemented, and clarify the measures taken to address the large number of unregistered private care facilities and poorly trained caregivers.

20. Please provide information on the steps taken to ensure that women are entitled to maternity leave, irrespective of their period of continuous employment and that all male

workers in the public and private sectors are granted paternity leave upon the birth of their children, regardless of their marital status. Please also provide information on the impact of the measures taken to provide adequate and affordable day-care services, with a view to facilitating the equal participation of women in the labour market. Please further provide information on the steps taken to ensure that pension points are granted for the period of absence from work because of family responsibilities.

Right to an adequate standard of living (art. 11)

21. Please provide information on the extent to which targeted measures have been taken by the State party to address the disproportionately high level of poverty among people living on Rodrigues Island and the Creole population, and indicate how effective social transfers have been in that regard. Please also provide information on the measures taken to address the residential segregation of Creoles, mostly from Rodrigues Island, in urban informal settlements and the extent to which the State party has taken measures to improve the living conditions there.

22. Please provide information on the implementation of the national housing programme 2015–2019, including the progress made and challenges encountered so far. Please also provide information on the extent to which the measures taken have regulated and improved conditions of housing provided through the National Housing Development Co. Ltd, including water and sanitation, the sewage system and other basic services. Please further provide information on the extent of homelessness in the State party and the measures taken to address that issue.

Right to physical and mental health (art. 12)

23. Please provide information on the impact of measures taken to address the high incidence of non-communicable diseases, including heart disease, diabetes, tobacco- and alcohol-related diseases and mental illness.

24. Please provide information on the impact of measures taken to tackle the increasing child mortality rates, including the infant and under-5 mortality rates and the stillbirth rate.

25. Please provide information on the legislative and policy framework put in place to address the use of illicit drugs and their impact. Please also provide information on the steps taken by the State party to scale up the provision of needle exchange programmes, opioid substitution therapy and harm reduction programmes. Please further provide information on the extent to which the State party has taken measures to reduce new HIV infections, particularly among people who inject drugs, sex workers and prison inmates, mother-to-child transmission and hepatitis C infections.

Right to education (arts. 13–14)

26. Please provide information on the steps taken to facilitate the use of Creole as a medium of instruction in schools and the production of educational materials in Creole. Please also provide information on the implementation of the nine years of continuous basic education and the early support programme, and their impact on the academic achievement of pupils, particularly those with learning difficulties.

27. Please provide information on the legislative and policy framework in place to provide for inclusive education for children with disabilities at all levels of education.

Cultural rights (art. 15)

28. Please provide information on the steps taken to accord the Creole language the status of an official language and use it in the administration.

29. Please provide information on the legislative framework for scientific research in place to ensure, in line with article 15 of the Covenant, that all individuals enjoy the benefits of scientific progress, including in areas such as human embryonic stem cells. Please also provide information as to whether assisted reproductive technologies are available to all without discrimination.